

REMARKS

Claims 1-11 are pending in the application. Claims 1-4 have been amended and claims 5-11 have been newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant would like to thank the Examiner for acknowledging Applicant's claim for foreign priority and receipt of the certified copy of the priority document.

Applicant wishes to bring to the Examiner's attention that Applicant filed an Information Disclosure Statement on May 11, 2004. Applicant notes that the Examiner has inadvertently failed to indicate her consideration of the documents cited in the Information Disclosure Statement, as an initialed copy of the PTO-1449 Form was not enclosed with the Office Action. Applicant respectfully requests that the Examiner consider each of the documents cited in the May 11, 2004 Information Disclosure Statement (if she has not already done so), initial the appropriate spaces on the PTO-1449 Form, and return a copy of the form to Applicant with the next official communication in the present application to confirm consideration of these documents.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Lukehart (U.S. Patent No. 4,867,032). Applicant respectfully traverses the rejection for at least the following reasons.

The present invention is directed towards a thumb pick for a guitar. The thumb pick includes, inter alia, a pick body and a belt body. The pick body includes a base end portion configured to contact a thumb, and a protrusion

portion that integrally extends from the base end portion and which is configured to pick strings. The thumb pick also includes a belt body, separate from the pick body, which fixes the pick body to the thumb. Two end portions of the belt body adjustably connect to the pick body.

Lukehart relates to a thumb pick 1. The thumb pick 1 includes an oval shaped thumb band 2, which almost completely surrounds a thumb. See Figure 1 and col. 1, lines 64-68. The thumb pick 1 also includes a picking tip 3. See Figure 1. However, Applicant submits that the picking tip 3 does not integrally extend from the thumb band 2. Applicant submits that the picking tip 3 is a separate piece from the thumb band 2, as Lukehart discloses, in col. 2, lines 34-40, that the picking tip 3 is secured to the thumb band 2 by accepting the picking tip 3 in a slot 6 and securing the picking tip with attachment means 7.

Thus, Applicant respectfully submits that Lukehart fails to disclose (or even suggest) a thumb pick that includes a base end portion configured to contact a thumb, and a protrusion portion integrally extending from the base end portion configured for picking strings, as recited, for example, in pending claim 1.

Applicant also submits that Lukehart fails to disclose a belt body, separate from a pick body which contacts a thumb, that fixes the pick body to the thumb, where two end portions of the belt body adjustably connect to the pick body, as recited in claim 1. As shown in Figures 1 and 2, Lukehart's thumb band 2 is the only part of the thumb pick which contacts a thumb, and there is no disclosure of a separate belt body.

For at least these reasons, Applicant respectfully submits that the rejection of claim 1 is improper, and respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection.

In the Office Action, the Examiner rejects claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Lukehart in view of Brundage (U.S. Patent No. 4,102,234). Applicant respectfully traverses the rejection for at least the following reasons.

As discussed above, Lukehart fails to disclose or suggest a thumb pick that includes a pick body that includes a base end portion configured to contact a thumb and a protrusion portion integrally extending from the base end portion configured for picking strings, and a belt body, separate from the pick body, which fixes the pick body to the thumb, where two end portions of the belt body adjustably connect to the pick body, as recited in independent claim 1. Applicant submits that at least this feature is also lacking in Brundage.

Brundage relates to a pick harness. The harness includes a strap 10 having a central portion 11. See Figure 2 and col. 2, lines 29-31. The central portion 11 is provided with slits 16-18 which are adapted to receive the apices of a pick 12. See Figure 2 and col. 2, lines 56-61. The strap also includes strap ends 13 and 14 which are adapted to be secured together at the upperside of a thumb. See Figures 1 and 2, and col. 2, lines 38-41. Applicant submits that the strap ends 13 and 14 of Brundage do not adjustably connect to the pick 12. Instead, Applicant submits that the pick 12 connects to the central portion 11 of the strap 10.

Thus, Applicant respectfully submits that Brundage fails to disclose or suggest a thumb pick where two end portions of a belt body adjustably connect to a pick body, as recited in independent claim 1. Therefore, Applicant submits that the combination of Lukehart and Brundage, as asserted by the Examiner, fails to disclose or suggest a thumb pick that includes a pick body and a separate belt body, where two end portions of the belt body adjustably connect to the pick body, as recited in claim 1. For at least these reasons, Applicant submits that independent claim 1 is allowable over the applied art of record, and respectfully requests such an indication from the Examiner.

Dependent claims 2-6 (including newly added claims 5 and 6) are also submitted to be in condition for allowance for at least the reasons set forth above with respect to claim 1.

Newly added independent claim 7 recites a thumb pick for a guitar which includes, inter alia, a tongue, protruding from an interior of a base end portion of a pick body, that detachably connects a belt body to the pick body. Applicant respectfully submits that claim 7 is allowable, as the applied prior art (either singularly or in combination) fails to disclose or suggest this combination of features.

Newly added dependent claim 8 is also submitted to be in condition for allowance for at least the reasons set forth above with respect claim 7.

Newly added independent claim 9 recites a thumb pick for a guitar which includes, inter alia, a hook, protruding from one end of a base end portion of a pick body, that detachably connects the belt body to the pick body. Applicant respectfully submits that claim 9 is allowable, as the applied prior art (either

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singularly or in combination) fails to disclose or suggest this combination of features.

Newly added dependent claims 10 and 11 are also submitted to be in condition for allowance for at least the reasons set forth above with respect claim 9.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

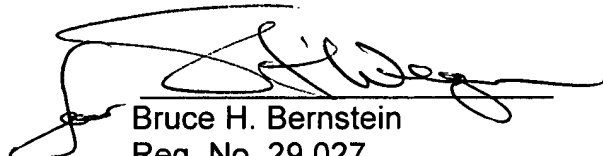
SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and is now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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